

# HOUSE BILL 813

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By: **Delegates O'Donnell, Aumann, Dwyer, Jennings, Lafferty, Sossi, and Stein**  
Introduced and read first time: February 9, 2010  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Sludge – Timing of Winter Application**

3 FOR the purpose of requiring the Department of Agriculture to adopt regulations  
4 establishing criteria for the timing of the winter application of sludge that are  
5 the same as or substantially similar to the criteria adopted for the timing of the  
6 winter application of animal manure; and generally relating to the timing of the  
7 winter application of sludge.

8 BY repealing and reenacting, without amendments,  
9 Article – Agriculture  
10 Section 8–803.1(e) and (f)  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Agriculture  
15 Section 8–804(b)  
16 Annotated Code of Maryland  
17 (2007 Replacement Volume and 2009 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article – Agriculture**

21 8–803.1.

22 (e) (1) By December 31, 2001, a person who, in operating a farm, uses  
23 chemical fertilizer, shall have a nutrient management plan for nitrogen and  
24 phosphorus that meets the requirements of this subtitle.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1           (2)   (i)    By December 31, 2001, a person who, in operating a farm,  
2 uses sludge or animal manure, shall have a nutrient management plan for nitrogen.

3                   (ii)   By July 1, 2004, a person who, in operating a farm, uses  
4 sludge or animal manure, shall have a nutrient management plan for nitrogen and  
5 phosphorus.

6           (f)   (1)   By December 31, 2002, a person who, in operating a farm, uses  
7 chemical fertilizer, shall comply with a nutrient management plan for nitrogen and  
8 phosphorus that meets the requirements of this subtitle.

9                   (2)   (i)    By December 31, 2002, a person who, in operating a farm,  
10 uses sludge or animal manure, shall comply with a nutrient management plan for  
11 nitrogen that meets the requirements of this subtitle.

12                   (ii)   By July 1, 2005, a person who, in operating a farm, uses  
13 sludge or animal manure, shall comply with a nutrient management plan for nitrogen  
14 and phosphorus that meets the requirements of this subtitle.

15 8-804.

16           (b)   **(1)**   In consultation with the Nutrient Management Advisory  
17 Committee, the Department shall by regulation:

18                   **[(1)] (I)**   Prescribe the criteria, form, and content for certified  
19 nutrient management plans applicable to licensees and certificate holders;

20                   **[(2)] (II)**   Establish continuing education requirements for certified  
21 nutrient management consultants and persons receiving vouchers of completion under  
22 § 8-803.3 of this subtitle; and

23                   **[(3)] (III)**   Adopt guidelines and requirements for licensees and  
24 certified nutrient management consultants on record keeping and on reporting  
25 requirements to the Department on nutrient management plans.

26                   **(2)   REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS**  
27 **SUBSECTION SHALL ESTABLISH CRITERIA FOR THE TIMING OF THE WINTER**  
28 **APPLICATION OF SLUDGE THAT ARE THE SAME AS OR SUBSTANTIALLY SIMILAR**  
29 **TO THE CRITERIA ADOPTED FOR THE TIMING OF THE WINTER APPLICATION OF**  
30 **ANIMAL MANURE.**

31           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
32 October 1, 2010.